

[DISCUSSION DRAFT]

109TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. ROGERS of Michigan (for himself, Mr. BUYER, Mr. MILLER of Florida, and Mr. REYES) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Respect for America’s  
5 Fallen Heroes Act”.

1 **SEC. 2. PROHIBITION ON CERTAIN DEMONSTRATIONS AT**  
2 **CEMETERIES UNDER THE CONTROL OF THE**  
3 **NATIONAL CEMETERY ADMINISTRATION AND**  
4 **AT ARLINGTON NATIONAL CEMETERY.**

5 (a) PROHIBITION.—Chapter 24 of title 38, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new section:

8 **“§ 2413. Prohibition on certain demonstrations at**  
9 **cemeteries under control of National**  
10 **Cemetery Administration and at Arling-**  
11 **ton National Cemetery**

12 “(a) PROHIBITION.—No person may carry out—

13 “(1) a demonstration on the property of a cem-  
14 etery under the control of the National Cemetery  
15 Administration or on the property of Arlington Na-  
16 tional Cemetery unless the demonstration has been  
17 approved by the cemetery superintendent or the di-  
18 rector of the property on which the cemetery is lo-  
19 cated; or

20 “(2) with respect to such a cemetery at which  
21 a funeral or memorial service or ceremony is to be  
22 held, a demonstration within 500 feet of that ceme-  
23 tery that—

24 “(A) is conducted during the period begin-  
25 ning 60 minutes before and ending 60 minutes

1 after the funeral or memorial service or cere-  
2 mony is held; and

3 “(B) includes, as a part of such dem-  
4 onstration, any individual willfully making or  
5 assisting in the making of any noise or diver-  
6 sion that disturbs or tends to disturb the peace  
7 or good order of the funeral or memorial service  
8 or ceremony.

9 “(b) DEMONSTRATION.—For purposes of this sec-  
10 tion, the term ‘demonstration’ includes the following:

11 “(1) Any picketing or similar conduct.

12 “(2) Any oration, speech, use of sound amplifi-  
13 cation equipment, or similar conduct before an as-  
14 sembled group of people that is not part of a funeral  
15 or memorial service or ceremony.

16 “(3) The display of any placard, banner, flag,  
17 or similar device, unless such a display is part of a  
18 funeral or memorial service or ceremony.

19 “(4) The distribution of any handbill, pamphlet,  
20 leaflet, or other written or printed matter other than  
21 a program distributed as part of a funeral or memo-  
22 rial service or ceremony.”.

23 (b) CLERICAL AMENDMENT.—The table of sections  
24 at the beginning of such chapter is amended by adding  
25 at the end the following new item:

“2413. Prohibition on demonstrations at cemeteries under control of National Cemetery Administration and at Arlington National Cemetery.”.

1 **SEC. 3. PENALTY FOR VIOLATION OF PROHIBITION ON UN-**  
2 **APPROVED DEMONSTRATIONS AT CEME-**  
3 **TERIES UNDER THE CONTROL OF THE NA-**  
4 **TIONAL CEMETERY ADMINISTRATION AND AT**  
5 **ARLINGTON NATIONAL CEMETERY.**

6 (a) PENALTY.—Chapter 67 of title 18, United States  
7 Code, is amended by adding at the end the following new  
8 section:

9 **“§ 1387. Demonstrations at cemeteries under the con-**  
10 **trol of National Cemetery Administration**  
11 **and at Arlington National Cemetery**

12 “Whoever violates section 2413 of title 38 shall be  
13 fined under this title, imprisoned for not more than one  
14 year, or both.”.

15 (b) CLERICAL AMENDMENT.—The table of sections  
16 at the beginning of such chapter is amended by adding  
17 at the end the following new item:

“1387. Demonstrations at cemeteries under the control of National Cemetery Administration and at Arlington National Cemetery.”.

1 **SEC. 4. SENSE OF CONGRESS ON STATE RESTRICTION OF**  
2 **DEMONSTRATIONS NEAR FUNERALS, BUR-**  
3 **IALS, FUNERAL PROCESSIONS, AND VIEW-**  
4 **INGS.**

5 It is the sense of Congress that each State should  
6 enact legislation to restrict demonstrations near any fu-  
7 neral, burial, funeral procession, or viewing.